



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Kirk & Susan Hill
DOCKET NO.: 08-00150.001-R-1
PARCEL NO.: 05-31-255-014

The parties of record before the Property Tax Appeal Board are Kirk and Susan Hill, the appellants, and the Ogle County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Ogle County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$13,140
IMPR.: \$56,603
TOTAL: \$69,743

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story single family dwelling of frame construction that contains 1,814 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a three-car attached garage. The property also has an in-ground swimming pool. The subject has a site with approximately 19,511 square feet and is located in Byron, Byron Township, Ogle County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$209,500 as of January 6, 2009. The appraisal was prepared by Bryan J. Trenholm of Action Appraisal, Inc. Trenholm is a State of Illinois Certified Residential Appraiser. In estimating the market value of the subject property the appraiser developed both the cost approach to value and the sales comparison approach to value.

Under the cost approach the appraiser estimated the subject had a site value of \$38,900. The appraiser estimated the replacement cost new of the improvements to be \$234,675 using the Marshall and Swift Cost Guide and local market data. The appraiser

estimated the subject suffered from \$9,822 in physical depreciation and \$18,500 in functional obsolescence. The appraiser stated in the report that the physical depreciation was due to normal wear and tear. The functional obsolescence was due to loss for the in-ground pool in the subject's climate. After deducting depreciation and adding the land value the appraiser arrived at an estimated value under the cost approach of \$245,300.

In the sales comparison approach the appraiser used five comparable sales composed of one-story dwellings ranging in size from 1,635 to 1,874 square feet of living area. The dwellings were constructed from 1996 to 2007. Each comparable has a full basement, four comparables had central air conditioning, four comparables had a fireplace and each comparable had either a two or three-car garage. Each of the comparables is located in Byron, Illinois. The sales occurred from February 2008 to August 2008 for prices ranging from \$183,480 to \$220,000 or from \$101.09 to \$127.68 per square foot of living area. After making adjustments for the differences from the subject, the appraiser determined the comparables had adjusted sales prices ranging from \$198,470 to \$222,600. Based on these sales the appraiser estimated the subject had an indicated value under the sales comparison approach of \$209,500.

In reconciling the two approaches to value the appraiser gave most weight to the sales approach and estimated the subject had a market value of \$209,500 as of January 6, 2009.

In a written narrative the appellants asserted they purchased the subject parcel in 2005 for a price of \$35,000, which was supported by a copy of a settlement statement dated August 12, 2005. The appellants also stated they had the subject dwelling constructed for a cost of \$124,425, which was also supported by a settlement statement dated January 20, 2006. The appellants also asserted that other improvements made to the property totaling approximately \$35,000 included a deck (2007), fence (2006) and an in-ground swimming pool (2006). Based on these costs the appellants were of the opinion the subject improvements should have an assessment of \$53,475.

The appellants also provided four land comparables ranging in size from 17,800 to 24,750 square feet of land area. These properties had land assessments ranging from \$10,602 to \$14,274 or from \$.49 to \$.64 per square foot of land area. Based on these comparables the appellants requested the subject's land assessment be reduced to \$11,700.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$77,420 was disclosed. The subject's assessment reflects a market value of \$232,562 or \$128.20 per square of living area, land included, using the 2008 three year average median level of assessments for Ogle County of 33.29%.

In support of the assessment the board of review provided a list and copies of photographs of 10 sales located in the City of Byron. The photographs depict one-story dwellings. The comparables were constructed from 1960 to 2007¹ and ranged in size from 736 to 1,461 square feet of living area. These properties sold from 2005 to 2008 for prices ranging from \$92,000 to \$255,500 or from approximately \$105 to \$178 per square foot of living area, land included. The board of review argued that even though the comparables are smaller and nine are considerably older than the subject, the subject's assessment reflects a value that falls within the range of these properties.

The board of review also asserted that the sales located close to the city's amenities support higher values and further noted the comparables used in the appellant's appraisal were located 1 to 2 miles outside of Byron. The board of review also argued the sales used in the appellants' appraisal occurred in 2008, after the assessment data at issue. As a final point the board of review stated the land comparables used by the appellants were located in subdivisions a considerable distance (1-2 miles) from the subject's neighborhood.

Based on this data, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellants asserted that after the swimming pool was installed the fence and deck were added under the swimming pool building permit. The appellants also asserted that none of the ten sales used by the board of review had the view of the Casey's General Store, Sam's Restaurant, Family Video Store and the Stillman Bank drive-thru teller that the subject has. They also stated board of review comparable #6 is located at the end of the same street as the subject on 2.83 acres of riverfront property.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellants contend in part, the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to

¹ The board of review did not indicate the age for comparables #9 and #10.

buy but not forced to so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the subject's assessment of \$77,420 reflects a market value of \$232,562 or \$128.20 per square of living area, land included, as of January 1, 2008, using the 2008 three year average median level of assessments for Ogle County of 33.29%. The appellants provided evidence disclosing the subject parcel was purchased in August 2005 for a price of \$35,000 and they had the subject dwelling constructed in 2005 for a cost of \$124,425. They further stated other improvements were made to the property totaling approximately \$35,000, which included a deck (2007), fence (2006) and an in-ground swimming pool (2006). The total costs of the land and the improvements were \$194,425, which is less than the market value reflected by the assessment.

Additionally, the appellants submitted an appraisal estimating the subject had a market value of \$209,500 as of January 6, 2009. The appraiser developed both the cost approach to value and the sales comparison approach to value. The appraiser placed most reliance on the comparable sales in estimating the market value of the subject property. The appraised value reflects a market value less than the market value reflected by the assessment.

The board of review provided a list of ten sales in support of the assessment. The Board finds, however, only one comparable was similar to the subject in age but it was significantly smaller than the subject dwelling. The remaining sales were significantly smaller and older than the subject property. Although these sales may have been located in close proximity to the subject, they did not have the age and physical characteristics of the sales contained in the appellants' appraisal.

Based on this record the Board gives most weight to the appellants' appraisal, which was supported by the construction costs and the land purchase price presented by the appellants. In conclusion the Board finds the subject property had a market value of \$209,500 as of January 1, 2008.

The appellants also argued assessment inequity with respect to the land assessment. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment

jurisdiction. After an analysis of the assessment data the Board finds a reduction in the subject's land assessment is not warranted on this basis.

First, the Board finds the purchase price paid for the subject land in August 2005 and the estimated land value as contained in the appraisal support the land assessment. Second, the evidence provided by the board of review disclosed the land comparables used by the appellants were located in subdivisions 1 to 2 miles from the subject property. The appellants did not demonstrate these land comparables had similar market values as the subject and were being assessed at substantially different proportions of their fair cash value than the subject. For these reasons the Board finds the appellants did not demonstrate with clear and convincing evidence that the subject land was being inequitably assessed.

In conclusion, the Property Tax Appeal Board finds the subject property had a market value of \$209,500 as of January 1, 2008. Since market value has been determined the 2008 three year average median level of assessments for Ogle County of 33.29% shall apply.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn R. Lerski

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: June 24, 2011

Allen Castrovillari

Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.